

## CLASSIFICATION OFFICE DECISION

**Title of publication:** 9d413b3ff758b8f093face4c40846569.jpg

**Other known title(s):** Not stated

**OFLC ref:** 1001900.005

**Medium:** Computer Image File

**Publisher:** Not stated

**Country of origin:** Not stated

**Language:** Not applicable

**Applicant:** Commissioner of Police

<b>Classification:</b>	Objectionable.
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**Descriptive note:** None

**Display conditions:** None

**Date of entry in Register:** 25 February 2011

**Date of direction to issue a label:** No direction to issue a label has been issued

### Summary of reasons for decision:

The computer image file is classified as objectionable under s3(3)(b) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act) because it exploits a young person's nudity in a manner that makes the availability of the publication likely to be injurious to the public good. The image is of a naked pre-pubescent boy posing for the viewer's close inspection. The overall effect is sexual in nature. The publication exploits the nudity of a young person in a salacious manner that is most likely intended for electronic distribution for sexual purposes.

The Classification Office has considered the effects of the New Zealand Bill of Rights Act 1990 on the application of the classification criteria. The classification of this publication interferes with the freedom of expression, as set out in section 14 of the New Zealand Bill of Rights Act 1990. This outcome is consistent, however, with Parliament's intention to prevent the availability of publications that exploit the nudity of young persons. The classification is also a reasonable limitation on the freedom of expression that reflects the concern of a free and democratic society to protect young persons from sexual exploitation.